

AMENDED IN SENATE MAY 4, 2015

**SENATE BILL**

**No. 251**

**Introduced by Senator Roth**

February 18, 2015

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An act to amend Sections ~~52 and 55.52 of and 55.56 of, and to add Sections 55.535 and 1938.5 to, the Civil Code, to amend Sections 4459.8 and 8299.06 of, to add Section 65941.6 to, and to add Article 4 (commencing with Section 65946) to Chapter 4.5 of Division 1 of Title 7 of, the Government Code, and to add and repeal Sections 17053.43 and 23643 of the Revenue and Taxation Code, relating to disability access.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 251, as amended, Roth. Civil rights: disability access.

**Existing**

*(1) Existing law establishes remedies for prohibits discrimination on the basis of various specified personal characteristics, including disability. The Construction-Related Accessibility Standards Compliance Act establishes standards for making new construction and existing facilities accessible to persons with disabilities and provides for construction-related accessibility claims for violations of those standards. Existing law requires certified access specialists (CASps), upon completion of an inspection of a site, to issue a written inspection report for the site, as specified. Existing law provides, upon being served with a summons and complaint asserting a construction-related accessibility claim, that a defendant may file a request for a court stay and early evaluation conference in the proceedings, as specified.*

*This bill would make technical, nonsubstantive changes to these provisions.*

*This bill would provide that a business is not liable for violating a construction-related liability standard if the business is an inspected by a CASp site and the violation is corrected within 90 days of receiving the above-described written inspection report from a CASp. If the alleged violation is a minor matter, as provided, the bill would provide that the business is not liable for the alleged violation if the violation is corrected within 30 days of service of a summons and complaint in a construction-related accessibility claim or receipt of a written notice, whichever is earlier.*

*(2) Existing law establishes remedies for discrimination on the basis of personal characteristics. Under existing law, a defendant is liable for actual damages plus an additional amount, up to three times actual damages but no less than \$4,000, for each offense. A defendant's liability for statutory damages for a violation of a construction-related accessibility standard may be reduced to \$1,000 for each offense if the defendant demonstrates, among other things, that it has corrected the construction-related violations within 60 days of being served with the complaint. Under existing law, a person who interferes with the rights of an individual with disabilities, as provided, is liable for actual damages plus an additional amount, up to three times actual damages but no less than \$1,000, for each offense.*

*This bill would provide that a defendant is not liable for statutory damages for more than one offense if the defendant is a microbusiness, as defined, and has corrected the construction-related violation prior to the filing of the lawsuit.*

*(3) Under existing federal law, a landlord and tenant are both responsible for compliance with the federal Americans with Disabilities Act and implementing regulations. The parties to a lease agreement may allocate responsibility by the lease or other contract. Existing law requires a commercial property owner or lessor to state on every lease form or rental agreement executed on or after July 1, 2013, whether the property has been inspected by a certified access specialist and, if so, whether or not the property has been determined to meet all applicable construction-related accessibility standards.*

*This bill would require a commercial property owner to state on every lease form or rental agreement executed on or after January 1, 2016, that the owner or lessor and the tenant are both responsible for compliance with the Americans with Disabilities Act and that responsibility for compliance may be allocated between the parties by the terms of the lease or other contract.*

(4) Existing law requires the State Architect to establish and publicize a program for the voluntary certification by the state of any person who meets specified criteria as a CASp. Existing law requires each applicant for CASp certification or renewal to pay certain fees, and requires the State Architect to periodically review those fees, as specified. Existing law provides for the deposit of those fees into the Certified Access Specialist Fund, which is continuously appropriated for use by the State Architect to implement the CASp program.

This bill would require applicants for CASp certification or renewal to additionally provide to the State Architect information about the city, county, or city and county in which the applicant intends to provide or has provided services, and would require the Division of the State Architect to post that information on its Internet Web site.

(5) Existing law establishes the California Commission on Disability Access for purposes of developing recommendations to enable persons with disabilities to exercise their right to full and equal access to public facilities and facilitating business compliance with applicable state and federal laws and regulations. Existing law sets forth the powers and duties of the commission, including developing educational materials and information for businesses, building owners, tenants, and building officials, posting that information on the commission's Internet Web site, and coordinating with other state agencies and local building departments to ensure that information provided to the public on disability access requirements is uniform and complete.

This bill would additionally require the commission to provide a link on its Internet Web site to the Internet Web site of the Division of the State Architect's CASp certification program, and make the commission's educational materials and information available to other state agencies and local building departments.

(6) The Planning and Zoning Law establishes procedures for the application, and review of an application, for a development project. Existing law requires a public agency to notify applicants for development permits of specified information, including the time limits established for the review and approval of development permits.

This bill would additionally require local agencies to develop and provide to applicants materials relating to the requirements of the federal Americans with Disabilities Act. The bill would require a local agency to notify an applicant that approval of a permit does not signify that the applicant has complied with that act. The bill would also require local agencies to expedite review of projects that have received a written

report from a CASp indicating that the site meets applicable CASp standards, as specified. The bill would declare that these provisions constitute a matter of statewide concern and shall apply to charter cities and charter counties.

By imposing additional duties on local agencies with respect to the receipt and review of applications for development projects, this bill would impose a state-mandated local program.

(7) Existing federal law allows a credit against federal income taxes for eligible small businesses for eligible access expenditures, as those terms are defined, in an amount equal to 50% of eligible access expenditures for a taxable year that exceed \$250 but do not exceed \$10,250. The Personal Income Tax Law and the Corporation Tax Law allow a credit against the taxes imposed by those laws for the amount paid or incurred for eligible access expenditures in an amount equal to 50% of eligible access expenditures for a taxable year as do not exceed \$250, as specified.

This bill would, for taxable years beginning on or after January 1, 2016, and before January 1, 2023, allow a credit under both the Personal Income Tax Law and the Corporation Tax Law for eligible access expenditures in an amount equal to 50% of eligible access expenditures for a taxable year, as specified. If the taxpayer is a microbusiness, as defined, the bill would provide that the credit is the amount calculated pursuant to these provisions, plus an additional \$5,000.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1 ~~SECTION 1. Section 52 of the Civil Code is amended to read:~~
- 2 ~~52. (a) Whoever denies, aids or incites a denial, or makes any~~
- 3 ~~discrimination or distinction contrary to Section 51, 51.5, or 51.6,~~

1 is liable for each offense for the actual damages suffered by any  
2 person denied those rights and both of the following:

3 (1) ~~An amount to be determined by a jury, or a court sitting~~  
4 ~~without a jury, not more than three times the amount of actual~~  
5 ~~damages but not less than four thousand dollars (\$4,000).~~

6 (2) ~~Attorney's fees as may be determined by the court.~~

7 (b) ~~Whoever denies the right provided by Section 51.7 or 51.9,~~  
8 ~~or aids, incites, or conspires in that denial, is liable for each offense~~  
9 ~~for the actual damages suffered by any person denied that right~~  
10 ~~and, in addition, the following:~~

11 (1) ~~An amount to be determined by a jury, or a court sitting~~  
12 ~~without a jury, for exemplary damages.~~

13 (2) ~~A civil penalty of twenty-five thousand dollars (\$25,000)~~  
14 ~~to be awarded to the person denied the right provided by Section~~  
15 ~~51.7 in an action brought by the person denied the right, or by the~~  
16 ~~Attorney General, a district attorney, or a city attorney. An action~~  
17 ~~for that penalty brought pursuant to Section 51.7 shall be~~  
18 ~~commenced within three years of the alleged practice.~~

19 (3) ~~Attorney's fees as may be determined by the court.~~

20 (c) ~~Whenever there is reasonable cause to believe that a person~~  
21 ~~or group of persons is engaged in conduct of resistance to the full~~  
22 ~~enjoyment of any of the rights described in this section, and that~~  
23 ~~conduct is of that nature and is intended to deny the full exercise~~  
24 ~~of those rights, the Attorney General, a district attorney, a city~~  
25 ~~attorney, or any person aggrieved by the conduct may bring a civil~~  
26 ~~action in the appropriate court by filing with it a complaint. The~~  
27 ~~complaint shall contain the following:~~

28 (1) ~~The signature of the officer, or, in his or her absence, the~~  
29 ~~individual acting on behalf of the officer, or the signature of the~~  
30 ~~person aggrieved.~~

31 (2) ~~The facts pertaining to the conduct.~~

32 (3) ~~A request for preventive relief, including an application for~~  
33 ~~a permanent or temporary injunction, restraining order, or other~~  
34 ~~order against the person or persons responsible for the conduct, as~~  
35 ~~the complainant deems necessary to ensure the full enjoyment of~~  
36 ~~the rights described in this section.~~

37 (d) ~~Whenever an action has been commenced in a court seeking~~  
38 ~~relief from the denial of equal protection of the laws under the~~  
39 ~~Fourteenth Amendment to the Constitution of the United States~~  
40 ~~on account of race, color, religion, sex, national origin, or disability,~~

1 the Attorney General, district attorney, or city attorney for or in  
2 the name of the people of the State of California may intervene in  
3 the action upon timely application if the Attorney General, district  
4 attorney, or city attorney certifies that the case is of general public  
5 importance. In that action, the people of the State of California  
6 shall be entitled to the same relief as if it had instituted the action.

7 (e) ~~Actions brought pursuant to this section are independent of~~  
8 ~~any other actions, remedies, or procedures that may be available~~  
9 ~~to an aggrieved party pursuant to any other law.~~

10 (f) ~~Any person claiming to be aggrieved by an alleged unlawful~~  
11 ~~practice in violation of Section 51 or 51.7 may also file a verified~~  
12 ~~complaint with the Department of Fair Employment and Housing~~  
13 ~~pursuant to Section 12948 of the Government Code.~~

14 (g) ~~This section does not require any construction, alteration,~~  
15 ~~repair, structural or otherwise, or modification beyond that~~  
16 ~~construction, alteration, repair, or modification that is otherwise~~  
17 ~~required by other provisions of law, to any new or existing~~  
18 ~~establishment, facility, building, improvement, or any other~~  
19 ~~structure, nor does this section augment, restrict, or alter in any~~  
20 ~~way the authority of the State Architect to require construction,~~  
21 ~~alteration, repair, or modifications that the State Architect otherwise~~  
22 ~~possesses pursuant to other laws.~~

23 (h) ~~For the purposes of this section, “actual damages” means~~  
24 ~~special and general damages. This subdivision is declaratory of~~  
25 ~~existing law.~~

26 (i) ~~Subdivisions (b) to (f), inclusive, shall not be waived by~~  
27 ~~contract except as provided in Section 51.7.~~

28 SEC. 2.

29 SECTION 1. Section 55.52 of the Civil Code is amended to  
30 read:

31 55.52. (a) For purposes of this part, the following definitions  
32 apply:

33 (1) “Construction-related accessibility claim” means a civil  
34 claim in a civil action with respect to a place of public  
35 accommodation, including, but not limited to, a claim brought  
36 under Section 51, 54, 54.1, or 55, based wholly or in part on an  
37 alleged violation of any construction-related accessibility standard,  
38 as defined in paragraph (6).

1 (2) “Application for stay and early evaluation conference” means  
2 an application to be filed with the court that meets the requirements  
3 of subdivision (c) of Section 55.54.

4 (3) “Certified access specialist” or “CAsp” means any person  
5 who has been certified pursuant to Section 4459.5 of the  
6 Government Code.

7 (4) “Meets applicable standards” means the site was inspected  
8 by a CAsp and determined to meet all applicable  
9 construction-related accessibility standards pursuant to paragraph  
10 (1) of subdivision (a) of Section 55.53. A site that is “CAsp  
11 inspected” on or before the effective date of the amendments made  
12 to this section by Chapter 383 of the Statutes of 2012 means that  
13 the site “meets applicable standards.”

14 (5) “Inspected by a CAsp” means the site was inspected by a  
15 CAsp and is pending a determination by the CAsp that the site  
16 meets applicable construction-related accessibility standards  
17 pursuant to paragraph (2) of subdivision (a) of Section 55.53. A  
18 site that is “CAsp determination pending” on or before the effective  
19 date of the amendments made to this section by Chapter 383 of  
20 the Statutes of 2012 means that the site was “inspected by a CAsp.”

21 (6) “Construction-related accessibility standard” means a  
22 provision, standard, or regulation under state or federal law  
23 requiring compliance with standards for making new construction  
24 and existing facilities accessible to persons with disabilities,  
25 including, but not limited to, any provision, standard, or regulation  
26 set forth in Section 51, 54, 54.1, or 55 of this code, Section 19955.5  
27 of the Health and Safety Code, the California Building Standards  
28 Code (Title 24 of the California Code of Regulations), the federal  
29 Americans with Disabilities Act of 1990 (Public Law 101-336; 42  
30 U.S.C. Sec. 12101 et seq.), and the federal Americans with  
31 Disabilities Act Accessibility Guidelines (Appendix A to Part 36  
32 of Title 28 of the Code of Federal Regulations).

33 (7) “Place of public accommodation” has the same meaning as  
34 ~~“public accommodation,” as set forth~~ *defined* in Section 12181(7)  
35 of Title 42 of the United States Code and the federal regulations  
36 adopted pursuant to that section.

37 (8) “Qualified defendant” means a defendant in an action that  
38 includes a construction-related accessibility claim that is asserted  
39 against a place of public accommodation that met the requirements  
40 of “meets applicable standards” or “inspected by a CAsp” prior

1 to the date the defendant was served with the summons and  
2 complaint in that action. To be a qualified defendant, the defendant  
3 is not required to have been the party who hired any CASp, so  
4 long as the basis of the alleged liability of the defendant is a  
5 construction-related accessibility claim. To determine whether a  
6 defendant is a qualified defendant, the court need not make a  
7 finding that the place of public accommodation complies with all  
8 applicable construction-related accessibility standards as a matter  
9 of law. The court need only determine that the place of public  
10 accommodation has a status of “meets applicable standards” or  
11 “inspected by a CASp.”

12 (9) “Site” means a place of public accommodation.

13 (10) “Microbusiness” has the same meaning as defined in  
14 Section 14837 of the Government Code.

15 (b) Unless otherwise indicated, terms used in this part relating  
16 to civil procedure have the same meanings that those terms have  
17 in the Code of Civil Procedure.

18 SEC. 2. Section 55.535 is added to the Civil Code, immediately  
19 following Section 55.53, to read:

20 55.535. (a) (1) A business shall not be liable for violating a  
21 construction-related liability standard if the business is an  
22 inspected by a CASp site and the alleged violation is corrected  
23 within 90 days of the date of the written inspection report required  
24 pursuant to subdivision (a) of Section 55.53.

25 (2) A business shall not be liable for a violation of a  
26 construction-related accessibility standard if the alleged violation  
27 is a minor matter and is corrected within 30 days of the service of  
28 a summons and complaint asserting a construction-related  
29 accessibility claim or receipt of a written notice, whichever is  
30 earlier. For the purposes of this paragraph, “minor matter” shall  
31 be limited to a violation concerning interior and exterior signage,  
32 the color and condition of parking lot paint striping, and truncated  
33 domes.

34 (b) For the purposes of the period provided for in paragraph  
35 (2) of subdivision (a), a written notice shall be deemed received  
36 when it is delivered to the business premises.

37 SEC. 3. Section 55.56 of the Civil Code is amended to read:

38 55.56. (a) Statutory damages under either subdivision (a) of  
39 Section 52 or subdivision (a) of Section 54.3 may be recovered in  
40 a construction-related accessibility claim against a place of public



1 accommodation only if a violation or violations of one or more  
2 construction-related accessibility standards denied the plaintiff  
3 full and equal access to the place of public accommodation on a  
4 particular occasion.

5 (b) A plaintiff is denied full and equal access only if the plaintiff  
6 personally encountered the violation on a particular occasion, or  
7 the plaintiff was deterred from accessing a place of public  
8 accommodation on a particular occasion.

9 (c) A violation personally encountered by a plaintiff may be  
10 sufficient to cause a denial of full and equal access if the plaintiff  
11 experienced difficulty, discomfort, or embarrassment because of  
12 the violation.

13 (d) A plaintiff demonstrates that he or she was deterred from  
14 accessing a place of public accommodation on a particular occasion  
15 only if both of the following apply:

16 (1) The plaintiff had actual knowledge of a violation or  
17 violations that prevented or reasonably dissuaded the plaintiff from  
18 accessing a place of public accommodation that the plaintiff  
19 intended to use on a particular occasion.

20 (2) The violation or violations would have actually denied the  
21 plaintiff full and equal access if the plaintiff had accessed the place  
22 of public accommodation on that particular occasion.

23 (e) Statutory damages may be assessed pursuant to subdivision  
24 (a) based on each particular occasion that the plaintiff was denied  
25 full and equal access, and not upon the number of violations of  
26 construction-related accessibility standards identified at the place  
27 of public accommodation where the denial of full and equal access  
28 occurred. If the place of public accommodation consists of distinct  
29 facilities that offer distinct services, statutory damages may be  
30 assessed based on each denial of full and equal access to the distinct  
31 facility, and not upon the number of violations of  
32 construction-related accessibility standards identified at the place  
33 of public accommodation where the denial of full and equal access  
34 occurred.

35 (f) (1) Notwithstanding any other law, a defendant's liability  
36 for statutory damages in a construction-related accessibility claim  
37 against a place of public accommodation is reduced to a minimum  
38 of one thousand dollars (\$1,000) for each offense if the defendant  
39 demonstrates that it has corrected all construction-related violations

1 that are the basis of a claim within 60 days of being served with  
2 the complaint, and the defendant demonstrates any of the following:

3 (A) The structure or area of the alleged violation was determined  
4 to be “CAsp-inspected” or “meets applicable standards” and, to  
5 the best of the defendant’s knowledge, there were no modifications  
6 or alterations that impacted compliance with construction-related  
7 accessibility standards with respect to the plaintiff’s claim that  
8 were completed or commenced between the date of that  
9 determination and the particular occasion on which the plaintiff  
10 was allegedly denied full and equal access.

11 (B) The structure or area of the alleged violation was the subject  
12 of an inspection report indicating “CAsp determination pending”  
13 or “Inspected by a CAsp,” and the defendant has either  
14 implemented reasonable measures to correct the alleged violation  
15 before the particular occasion on which the plaintiff was allegedly  
16 denied full and equal access, or the defendant was in the process  
17 of correcting the alleged violation within a reasonable time and  
18 manner before the particular occasion on which the plaintiff was  
19 allegedly denied full and equal access.

20 (C) For a claim alleging a construction-related accessibility  
21 violation filed before January 1, 2018, the structure or area of the  
22 alleged violation was a new construction or an improvement that  
23 was approved by, and passed inspection by, the local building  
24 department permit and inspection process on or after January 1,  
25 2008, and before January 1, 2016, and, to the best of the  
26 defendant’s knowledge, there were no modifications or alterations  
27 that impacted compliance with respect to the plaintiff’s claim that  
28 were completed or commenced between the completion date of  
29 the new construction or improvement and the particular occasion  
30 on which the plaintiff was allegedly denied full and equal access.

31 (D) The structure or area of the alleged violation was new  
32 construction or an improvement that was approved by, and passed  
33 inspection by, a local building department official who is a certified  
34 access specialist, and, to the best of the defendant’s knowledge,  
35 there were no modifications or alterations that affected compliance  
36 with respect to the plaintiff’s claim that were completed or  
37 commenced between the completion date of the new construction  
38 or improvement and the particular occasion on which the plaintiff  
39 was allegedly denied full and equal access.

1 (2) Notwithstanding any other law, a defendant's liability for  
2 statutory damages in a construction-related accessibility claim  
3 against a place of public accommodation is reduced to a minimum  
4 of two thousand dollars (\$2,000) for each offense if the defendant  
5 demonstrates both of the following:

6 (A) The defendant has corrected all construction-related  
7 violations that are the basis of a claim within 30 days of being  
8 served with the complaint.

9 (B) The defendant is a small business that has employed 25 or  
10 fewer employees on average over the past three years, or for the  
11 years it has been in existence if less than three years, as evidenced  
12 by wage report forms filed with the Economic Development  
13 Department, and has average annual gross receipts of less than  
14 three million five hundred thousand dollars (\$3,500,000) over the  
15 previous three years, or for the years it has been in existence if  
16 less than three years, as evidenced by federal or state income tax  
17 returns. The average annual gross receipts dollar amount shall be  
18 adjusted biannually by the Department of General Services for  
19 changes in the California Consumer Price Index for All Urban  
20 Consumers, as compiled by the Department of Industrial Relations.  
21 The Department of General Services shall post that adjusted  
22 amount on its Internet Web site.

23 (3) This subdivision shall not be applicable to intentional  
24 violations.

25 (4) Nothing in this subdivision affects the awarding of actual  
26 damages, or affects the awarding of treble actual damages.

27 (5) This subdivision shall apply only to claims filed on or after  
28 the effective date of Senate Bill 1186 of the 2011–12 Regular  
29 Session of the Legislature. Nothing in this subdivision is intended  
30 to affect a complaint filed before that date.

31 *(g) Notwithstanding any other law, including, but not limited*  
32 *to, Sections 52 and 54.3, a defendant in a construction-related*  
33 *accessibility claim against a place of public accommodation shall*  
34 *not be liable for statutory damages for more than one offense if*  
35 *the site is a microbusiness, as that term is defined in paragraph*  
36 *(10) of subdivision (a) of Section 55.52, and the defendant has*  
37 *corrected the violation prior to the filing of the lawsuit.*

38 ~~(g)~~

39 (h) This section does not alter the applicable law for the  
40 awarding of injunctive or other equitable relief for a violation or

1 violations of one or more construction-related accessibility  
2 standards, nor alter any legal obligation of a party to mitigate  
3 damages.

4 ~~(h)~~

5 (i) In assessing liability under subdivision (d), in an action  
6 alleging multiple claims for the same construction-related  
7 accessibility violation on different particular occasions, the court  
8 shall consider the reasonableness of the plaintiff's conduct in light  
9 of the plaintiff's obligation, if any, to mitigate damages.

10 SEC. 4. Section 1938.5 is added to the Civil Code, to read:

11 1938.5. A commercial property owner or lessor shall state on  
12 every lease form or rental agreement executed on or after January  
13 1, 2016, that, pursuant to Section 36.201 of Title 28 of the Code  
14 of Federal Regulations, the owner or lessor and the tenant are  
15 both responsible for compliance with the Americans with  
16 Disabilities Act (42 U.S.C. Sec. 12101 et seq.) and that  
17 responsibility for compliance may be allocated between the parties  
18 by the terms of the lease or other contract.

19 SEC. 5. Section 4459.8 of the Government Code is amended  
20 to read:

21 4459.8. (a) The certification authorized by Section 4459.5 is  
22 effective for three years from the date of initial certification and  
23 expires if not renewed. The State Architect, upon consideration of  
24 any factual complaints regarding the work of a certified access  
25 specialist or of other relevant information, may suspend  
26 certification or deny renewal of certification.

27 (b) (1) The State Architect shall require each applicant for  
28 certification as a certified access specialist to ~~pay~~ do the following:

29 (A) Pay fees, including an application and course fee and an  
30 examination fee, at a level sufficient to meet the costs of application  
31 processing, registration, publishing a list, and other activities that  
32 are reasonably necessary to implement and administer the certified  
33 access specialist program. ~~The~~

34 (B) Provide to the State Architect information about the city,  
35 county, or city and county in which the applicant intends to provide  
36 services.

37 (2) The State Architect shall require each applicant for renewal  
38 of certification to ~~pay~~ do the following:

39 (A) Pay a fee sufficient to cover the reasonable costs of  
40 reassessing qualifications of renewal applicants.

1     (B) *Provide to the State Architect information about the city,*  
2     *county, or city and county in which the applicant has provided*  
3     *services since the last day of certification by the State Architect.*

4     ~~(2)~~

5     (3) The State Architect shall periodically review its schedule  
6     of fees to ensure that its fees for certification are not excessive  
7     while covering the costs to administer the certified access specialist  
8     program. The application fee for a California licensed architect,  
9     landscape architect, civil engineer, or structural engineer shall not  
10    exceed two hundred fifty dollars (\$250).

11    (c) All fees collected pursuant to this section shall be deposited  
12    into the Certified Access Specialist Fund, which is hereby created  
13    in the State Treasury. Notwithstanding Section 13340, this fund  
14    is continuously appropriated without regard to fiscal years for use  
15    by the State Architect to implement Sections 4459.5 to 4459.8,  
16    inclusive.

17    (d) *The State Architect shall post on his or her Internet Web*  
18    *site information about the city, county, or city and county in which*  
19    *each certified access specialist provides or intends to provide*  
20    *services.*

21    SEC. 6. *Section 8299.06 of the Government Code is amended*  
22    *to read:*

23    8299.06. (a) A priority of the commission shall be the  
24    development and dissemination of educational materials and  
25    information to promote and facilitate disability access compliance.

26    (b) The commission shall work with other state agencies,  
27    including the Division of the State Architect and the Department  
28    of Rehabilitation, to develop educational materials and information  
29    for use by businesses to understand its obligations to provide  
30    disability access and to facilitate compliance with  
31    construction-related accessibility standards.

32    (c) The commission shall develop and make available on its  
33    Internet Web site, or make available on its Internet Web site if  
34    developed by another governmental agency, including Americans  
35    with Disabilities Act centers, toolkits or educational modules to  
36    assist a California business to understand its obligations under the  
37    law and to facilitate compliance with respect to the top 10 alleged  
38    construction-related violations, by type, as specified in subdivision  
39    (a) of Section 8299.08. Upon completion of this requirement, the  
40    commission shall develop and make available on its Internet Web

1 site, or work with another agency to develop, other toolkits or  
2 educational modules that would educate businesses of the  
3 accessibility requirements and to facilitate compliance with that  
4 requirement.

5 (d) The commission shall post *the following* on its Internet Web  
6 ~~site-educational site~~:

7 (1) *Educational* materials and information that will assist  
8 building owners, tenants, building officials, and building inspectors  
9 to understand the disability accessibility requirements and to  
10 facilitate compliance with disability access laws. The commission  
11 shall at least annually review the educational materials and  
12 information on disability access requirements and compliance  
13 available on the Internet Web site of other local, state, or federal  
14 agencies, including Americans with Disabilities Act centers, to  
15 augment the educational materials and information developed by  
16 the commission.

17 (2) *A link to the Internet Web site of the Division of the State*  
18 *Architect's Certified Access Specialist (CAsp) Program to assist*  
19 *building owners and tenants in locating or hiring a CAsp.*

20 (e) The commission shall, to the extent feasible, coordinate with  
21 other state agencies and local building departments to ensure that  
22 information provided to the public on disability access requirements  
23 is uniform and ~~complete~~. *complete, and make its educational*  
24 *materials and information available to those agencies and*  
25 *departments.*

26 SEC. 7. Section 65941.6 is added to the Government Code, to  
27 read:

28 65941.6. *Each local agency shall develop materials relating*  
29 *to the requirements of the Americans with Disabilities Act (42*  
30 *U.S.C. Sec. 12101 et seq.). The local agency shall provide these*  
31 *materials to an applicant along with notice that approval of a*  
32 *permit does not signify that the applicant has complied with the*  
33 *Americans with Disabilities Act.*

34 SEC. 8. Article 4 (commencing with Section 65946) is added  
35 to Chapter 4.5 of Division 1 of Title 7 of the Government Code,  
36 to read:

Article 4. *Expedited Review*

65946. (a) *For the purposes of this section, the following definitions shall apply:*

(1) *“Certified access specialist” or “CASp” means any person who has been certified pursuant to Section 4459.5.*

(2) *“Construction-related accessibility standard” means a provision, standard, or regulation under state or federal law requiring compliance with standards for making new construction and existing facilities accessible to persons with disabilities, including, but not limited to, any provision, standard, or regulation set forth in Section 51, 54, 54.1, or 55 of the Civil Code, Section 19955.5 of the Health and Safety Code, the California Building Standards Code (Title 24 of the California Code of Regulations), the federal Americans with Disabilities Act of 1990 (Public Law 101-336; 42 U.S.C. Sec. 12101 et seq.), and the federal Americans with Disabilities Act Accessibility Guidelines (Appendix A to Part 36 of Title 28 of the Code of Federal Regulations).*

(3) *“Meets applicable standards” means the site was inspected by a CASp and determined to meet all applicable construction-related accessibility standards pursuant to paragraph (1) of subdivision (a) of Section 55.53.*

(4) *“Place of public accommodation” has the same meaning as defined in Section 12181(7) of Title 42 of the United States Code and the federal regulations adopted pursuant to that section.*

(5) *“Site” means a place of public accommodation.*

(6) *“Written inspection report” means the report required to be provided pursuant to subdivision (a) of Section 55.53 of the Civil Code.*

(b) *A local agency shall expedite review of a project application if the applicant provides a written inspection report provided by a CASp indicating that the project is a site that meets applicable standards.*

SEC. 9. *Section 17053.43 is added to the Revenue and Taxation Code, to read:*

17053.43. (a) (1) *For each taxable year beginning on or after January 1, 2016, and before January 1, 2023, there shall be allowed to a taxpayer a credit against the “net tax,” as defined in*

1 Section 17039, for the amount paid or incurred for eligible access  
2 expenditures in excess of two hundred fifty dollars (\$250).

3 (2) (A) Except as specified in subparagraph (B), the credit shall  
4 be in an amount equal to 50 percent of the difference between the  
5 total eligible access expenditures incurred by a taxpayer that do  
6 not exceed ten thousand two hundred fifty dollars (\$10,250) and  
7 two hundred fifty dollars (\$250).

8 (B) For a taxpayer that is a microbusiness, the credit shall be  
9 in an amount equal to the amount calculated pursuant to  
10 subparagraph (A), plus an additional five thousand dollars  
11 (\$5,000).

12 (b) For the purposes of this section, the following definitions  
13 shall apply:

14 (1) “Eligible access expenditures” has the same meaning as  
15 defined in Section 44 of the Internal Revenue Code except that the  
16 amounts may be paid or incurred by a taxpayer other than an  
17 eligible small business.

18 (2) “Microbusiness” has the same meaning as defined in Section  
19 14837 of the Government Code.

20 (c) In the case where the credit allowed by this section exceeds  
21 the “net tax,” the excess may be carried over to reduce the “net  
22 tax” in the following year, and the succeeding six years, if  
23 necessary, until the credit is exhausted.

24 (d) The Franchise Tax Board may prescribe rules, guidelines,  
25 or procedures necessary or appropriate to carry out the purposes  
26 of this section, including any guidelines regarding the  
27 substantiation of the credit allowed by this section. Chapter 3.5  
28 (commencing with Section 11340) of Part 1 of Division 3 of Title  
29 2 of the Government Code does not apply to any rule, guideline,  
30 or procedure prescribed by the Franchise Tax Board pursuant to  
31 this section.

32 (e) This section shall remain in effect only until December 1,  
33 2023, and as of that date is repealed.

34 SEC. 10. Section 23643 is added to the Revenue and Taxation  
35 Code, to read:

36 23643. (a) (1) For each taxable year beginning on or after  
37 January 1, 2016, and before January 1, 2023, there shall be  
38 allowed a credit to a taxpayer against the “tax,” as defined in  
39 Section 23036, for the amount paid or incurred for eligible access  
40 expenditures in excess of two hundred fifty dollars (\$250).



1 (2) (A) *Except as specified in subparagraph (B), the credit shall*  
2 *be in an amount equal to 50 percent of the difference between the*  
3 *total eligible access expenditures incurred by a taxpayer that do*  
4 *not exceed ten thousand two hundred fifty dollars (\$10,250) and*  
5 *two hundred fifty dollars (\$250).*

6 (B) *For a taxpayer that is a microbusiness, the credit shall be*  
7 *in an amount equal to the amount calculated pursuant to*  
8 *subparagraph (A), plus an additional five thousand dollars*  
9 *(\$5,000).*

10 (b) *For the purposes of this section, the following definitions*  
11 *shall apply:*

12 (1) *“Eligible access expenditures” has the same meaning as*  
13 *defined in Section 44 of the Internal Revenue Code except that the*  
14 *amounts may be paid or incurred by a taxpayer other than an*  
15 *eligible small business.*

16 (2) *“Microbusiness” has the same meaning as defined in Section*  
17 *14837 of the Government Code.*

18 (c) *In the case where the credit allowed by this section exceeds*  
19 *the “tax,” the excess may be carried over to reduce the “tax” in*  
20 *the following year, and the succeeding six years, if necessary, until*  
21 *the credit is exhausted.*

22 (d) *The Franchise Tax Board may prescribe rules, guidelines,*  
23 *or procedures necessary or appropriate to carry out the purposes*  
24 *of this section, including any guidelines regarding the*  
25 *substantiation of the credit allowed by this section. Chapter 3.5*  
26 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
27 *2 of the Government Code does not apply to any rule, guideline,*  
28 *or procedure prescribed by the Franchise Tax Board pursuant to*  
29 *this section.*

30 (e) *This section shall remain in effect only until December 1,*  
31 *2023, and as of that date is repealed.*

32 SEC. 11. *The Legislature finds and declares that Sections 7*  
33 *and 8 of this act, pertaining to the review and approval of*  
34 *development permit applications, constitute matters of statewide*  
35 *concern, and shall apply to charter cities and charter counties.*  
36 *These Sections shall supersede any inconsistent provisions in the*  
37 *charter of any city, county, or city and county.*

38 SEC. 12. *It is the intent of the Legislature to make the findings*  
39 *required by Section 41 of the Revenue and Taxation Code with*  
40 *respect to the tax credits allowed by Sections 9 and 10 of this act.*

1     *SEC. 13. If the Commission on State Mandates determines that*  
2     *this act contains costs mandated by the state, reimbursement to*  
3     *local agencies and school districts for those costs shall be made*  
4     *pursuant to Part 7 (commencing with Section 17500) of Division*  
5     *4 of Title 2 of the Government Code.*

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